

ORIGINAL

OPEN MEETING AGENDA ITEM



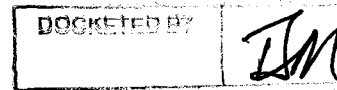
0000141985

BEFORE THE ARIZONA CORPORATION

Arizona Corporation Commission

DOCKETED

JAN 31 2013



COMMISSIONERS

BOB STUMP - Chairman
GARY PIERCE
BRENDA BURNS
BOB BURNS
SUSAN BITTER SMITH

In the matter of:

DOCKET NO. S-20867A-12-0459

TRI-CORE COMPANIES, LLC an Arizona
limited liability company,

TRI-CORE MEXICO LAND DEVELOPMENT,
LLC, an Arizona limited liability company,

TRI-CORE BUSINESS DEVELOPMENT, LLC,
an Arizona limited liability company,

ERC COMPACTORS, LLC, an Arizona limited
liability company,

ERC INVESTMENTS, LLC, an Arizona limited
liability company,

C&D CONSTRUCTION SERVICES, INC. a
Nevada corporation,

PANGAEA INVESTMENT GROUP, LLC, an
Arizona limited liability company, d/b/a Arizona
Investment Center,

JASON TODD MOGLER, an Arizona resident,

BRIAN N. BUCKLEY and CHERYL BARRETT
BUCKLEY, husband and wife,

CASIMER POLANCHEK, an Arizona resident,

NICOLE KORDOSKY, an Arizona resident,

Respondents.

RECEIVED
2013 JAN 31 P 3:18
AZ CORP COMMISSION
DOCKET CONTROL

THIRD
PROCEDURAL ORDER
(Schedules Status Conference)

BY THE COMMISSION:

On November 8, 2012, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing ("Notice") against Tri-Core Companies, LLC, ("Tri-Core"); Tri-Core Mexico Land Development, LLC ("TC Mexico"); Tri-Core Business Development, LLC ("TC Business"); ERC Compactors, LLC ("ERC Compactors"); ERC

1 Investments, LLC ("ERC Investments"); C&D Construction Services, Inc. ("C&D"); Pangaea
2 Investment Group, LLC ("Pangaea"), d/b/a Arizona Investment Center ("AIC"); Jason Todd Mogler;
3 Brian N. Buckley and Cheryl Barrett Buckley, husband and wife; Casimer Polanchek; and Nicole
4 Kordosky (collectively "Respondents"). In the Notice, the Division alleged multiple violations of the
5 Arizona Securities Act ("Act") in connection with the offer and sale of securities in the form of notes.

6 The Respondents were duly served with a copy of the Notice.

7 On November 26, 2012, a request for hearing in this matter was filed on behalf of C&D.

8 On November 30, 2012, Respondents Tri-Core, TC Business, ERC Compactors, ERC
9 Investments, Jason Todd Mogler, Brian N. Buckley and Cheryl Barrett Buckley filed requests for
10 hearing.

11 On December 10, 2012, by Procedural Order, a pre-hearing conference was scheduled on
12 January 15, 2013.

13 On January 15, 2013, at the pre-hearing conference, Respondents Tri-Core, TC Business,
14 ERC Compactors, ERC Investments, and Jason Mogler appeared through counsel. Respondents
15 Brian and Cheryl Buckley appeared on their own behalf. The Division also appeared through
16 counsel. Although the parties who requested a hearing were discussing a possible resolution of the
17 proceeding, the Division requested a status conference be scheduled to determine if a hearing should
18 be scheduled in the event settlement did not occur.

19 On January 16, 2013, by Procedural Order, a status conference was scheduled on March 20,
20 2013.

21 On January 29, 2013, Respondent Nicole Kordosky filed a request for hearing.

22 Accordingly, Respondent Nicole Kordosky's name should be added to the service list so she
23 will be apprised of all proceedings in this matter, including the status conference scheduled for March
24 20, 2013.

25 IT IS THEREFORE ORDERED that a **status conference** shall be held on **March 20, 2013,**
26 **at 10:00 a.m.,** at the Commission's offices, 1200 West Washington Street, Hearing Room No. 2,
27 Phoenix, Arizona, as previously ordered.

28 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized

1 Communications) is in effect and shall remain in effect until the Commission's Decision in this
2 matter is final and non-appealable.

3 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
4 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to the practice of law and admission
5 *pro hac vice*.

6 IT IS FURTHER ORDERED that withdrawal or representation must be made in compliance
7 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
8 Rules of the Arizona Supreme Court). Representation before the Commission includes appearances
9 at all hearings and procedural conferences, as well as all Open Meetings for which the matter is
10 scheduled for discussion, unless counsel has previously been granted permission to withdraw by the
11 Administrative Law Judge or the Commission.

12 IT IS FURTHER ORDERED that the Presiding Administrative Law Judge may rescind, alter,
13 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by
14 ruling at hearing.

15 DATED this 31st day of January, 2013.

16
17
18 
19 for MARC E. STERN
ADMINISTRATIVE LAW JUDGE

20 Copies of the foregoing mailed/delivered
21 this 3/5/13 day of January, 2013 to:

22 Dale B. Rycraft, Jr.
23 THE RYCRAFT LAW FIRM PLLC
2929 North Power Road, Suite 101
Mesa, AZ 85215
Attorney for C&D Construction Services, Inc.


24 Bobby O. Thrasher, Jr.
25 THRASHER JEMSEK
530 East McDowell Road, Suite 107-495
26 Phoenix, AZ 85004
Attorneys for Tri-Core Companies, LLC,
27 Tri-Core Business Development, LLC,
ERC Compactors, LLC, ERC Investments, LLC
28 and Jason Todd Mogler

1 Brian N. Buckley
2 Cheryl Barrett Buckley
3 4259 East Bruce Court
4 Gilbert, AZ 85234

5 Nicole Kordosky
6 8880 East Chaparral Road, Suite 270
7 Scottsdale, AZ 85250

8 Matt Neubert, Director
9 Securities Division
10 ARIZONA CORPORATION COMMISSION
11 1300 West Washington Street
12 Phoenix, AZ 85007

13 ARIZONA REPORTING SERVICE, INC.
14 2200 North Central Avenue, Suite 502
15 Phoenix, AZ 85004-1481

16 By: 
17 Debra Broyles
18 Secretary to Marc E. Stern
19
20
21
22
23
24
25
26
27
28